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UNCLAS ALMATY 000415

SIPDIS

SENSITIVE

DEPT FOR EUR/CACEN (JMUDGE), EUR/PRA (JCONLON)

E.O. 12958: N/A

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SUBJECT: KAZAKHSTAN: MINISTER SHKOLNIK'S RESPONSE ON BN-350 LETTER

REF: 12/14/04 O'MARA-MENNUTI EMAIL

1. (SBU) In response to the Ambassador's December 20 letter to Minister of Energy and Mineral Resources Shkolnik (ref), post received a reply under cover of a January 14 diplomatic note from the MFA. Informal embassy translation of letter follows:

Letter no. 10-01-134 dated January 11, 2005

His Excellency  
Ambassador of the United States to Kazakhstan  
Mr. John Ordway

Your Excellency:

In reference to your letter related to the project of storage of the spent fuel from the BN-350 reactor, I inform you that we are now working to solve the problem of transmission of the preliminary project of physical protection of the BN-350 complex in Aktau to the American partners.

As you know, there is a list of secret information in Kazakhstani legislation, including data on physical protection system of nuclear facilities. But we also have the procedures for transmitting such information to our country-partners' organizations participating in joint projects. Unfortunately, some time is needed to meet these procedures, but it can't be the obstacle to continuing our work. We are sure that you understand the requirement of the Law related to the information about the physical protection system of nuclear facilities.

The problem is that the Agreement about Control, Accounting and Physical Protection of Nuclear Material of 1993, cited by you, does not directly address the transmission of information concerning physical security of nuclear facilities and therefore cannot be used as a legal basis for transferring this data. But from our side, we assure you that we will take all the measures to facilitate the process of obtaining the necessary authorization to convey the information on the project of physical protection storage in Aktau. I think that the issue of physical protection in the Working Group will not affect the continuing work of putting the BN-350 reaction out of operation.

Sincerely,  
/signed/  
Minister V. Shkolnik

2. (SBU) A scanned copy of dip note and Shkolnik letter was emailed to EUR/CACEN and EUR/PRA on January 26. Please note that this translation is more accurate. Post would appreciate Department's assessment of the potential impact of this GOK position on the BN-350 project.

NNNN